IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TOVEY=5A

In re Application of:	)	Conf. No.: 1014
Michael G. TOVEY et al.	)	Art Unit: 1636
Appln. No.: 10/677,777	)	Examiner: Celine Qian
Filed: October 3, 2003	)	Washington, D.C.
For: GENE REPORTER ASSAY, AND CELLS FOR DETERMINING THE PRESENCE AND/OR THE …	)	September 19, 2008

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated March 19, 2008, of the Primary Examiner. The claims appealed are claims 1, 2, 4-34 and 70-75.

The item(s) checked below are appropriate:

XX Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XX The fee has been calculated as shown below:

____ $510.00

XX $255.00 (small entity)

____ Not required (fee paid in prior appeal)

XX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity Response Filed Within				Other Than Small Entity Response Filed Within			
[ ]	First	-	$ 60.00	[ ]	First	-	$ 120.00
[XX]	Second	-	$230.00	[ ]	Second	-	$ 460.00
[ ]	Third	-	$525.00	[ ]	Third	-	$1050.00
month after time period set				month after time period set			

[XX]Less fees ($230.00) already paid for 2 months extension of time on September 10, 2008.

XX Credit Card Payment, is attached, authorizing the amount of $ 255.00 .

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

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